

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

BRIAN MICHAEL WARNOCK,

Defendant.

CASE NO. 22-cr-00150-LK

ORDER CONTINUING TRIAL

This matter comes before the Court on Defendant Brian Michael Warnock's Unopposed Motion to Continue Trial, Dkt. No. 63, as well as his speedy trial waiver, Dkt. No. 64.

On September 21, 2022, a federal grand jury indicted Mr. Warnock on one count of Possession of a Controlled Substance with Intent to Distribute, two counts of Unlawful Possession of a Firearm, and one count of Possession of a Firearm in Furtherance of a Drug Trafficking Crime. Dkt. No. 16 at 1–3; *see* 21 U.S.C. § 841(a)(1), (b)(1)(B); 18 U.S.C. §§ 922(g)(1), 924(c)(1)(A)(i). He pleaded not guilty to all counts. Dkt. No. 22. Although Mr. Warnock's jury trial was originally slated to begin on November 28, 2022, *id.*, the Court granted his unopposed motion to continue trial to May 30, 2023, Dkt. No. 27. It thereafter granted a second unopposed motion to continue

1 trial to January 8, 2024, Dkt. No. 47, and granted a third unopposed motion to continue trial to  
2 April 8, 2024, Dkt. No. 59.

3 Mr. Warnock now requests a fourth continuance to December 9, 2024. Dkt. No. 63 at 1.  
4 Defense counsel attests that this continuance is necessary “in order to finalize plea negotiations,”  
5 which, “because of special circumstances in this case, have involved multiple prosecutors and the  
6 evaluation of a great deal of information the defense has supplied in support of resolution.” *Id.* Mr.  
7 Warnock avers that he has consulted with counsel and knowingly and voluntarily waives his  
8 speedy trial right, and consents to a continuance of his trial date to on or before December 9, 2024.  
9 Dkt. No. 64 at 1.

10 Pursuant to 18 U.S.C. § 3161(h)(7)(A), the Court finds that the ends of justice served by  
11 granting a continuance outweigh the best interest of the public and Mr. Warnock in any speedier  
12 trial. Specifically, the Court finds that failure to grant the requested continuance would likely result  
13 in a miscarriage of justice and would deny defense counsel the reasonable time necessary for  
14 effective preparation, taking into account the exercise of due diligence, due to the parties’ need for  
15 more time to finalize plea negotiations and—to the extent no resolution is reached—to prepare for  
16 trial. *See* 18 U.S.C. § 3161(h)(7)(B)(i), (iv). The Court also finds that the additional time requested  
17 is a reasonable period of delay and will be necessary to provide counsel and Mr. Warnock  
18 reasonable time to accomplish these tasks. The Court notes again, however, that filing a motion to  
19 continue on the eve of trial without good cause disrupts the Court’s schedule and may result in  
20 sanctions in the future.

21 For these reasons, the Court GRANTS the motion, Dkt. No. 63, and ORDERS that trial  
22 shall be continued from April 8, 2024 to December 9, 2024. The pretrial motions deadline has  
23 passed. Dkt. No. 61. It is further ORDERED that, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B),  
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1 the period of delay from the date of this Order to the new trial date is EXCLUDED when  
2 computing the time within which Mr. Warnock's trial must commence under the Speedy Trial Act.

3 Dated this 28th day of March, 2024.

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5 Lauren King  
6 United States District Judge  
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